

REMARKS

This Response is submitted in reply to the Office Action dated January 24, 2008, having a shortened statutory period set to expire April 24, 2008, extended to May 24, 2008. Claims 27-52 and 55 are pending. Applicants have amended Claims 27 and 55. No new matter has been entered by these amendments.

Claim Rejections – 35 U.S.C. § 103

On page 2 of the present Office Action, Claims 27-52 and 55 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Horan* (U.S. Pat. No. 6,220,596), in view of *Weingardt* (U.S. Pat No. 5,727,786). That rejection is respectfully traversed and reconsideration of the claims is requested. With respect to independent Claims 27 and 55, therein is recited:

(h) prior to performing step (c), associating at least one of the first set of colors to at least one column without regard to the associated subset of potential numbers for the at least one column;

On page 3 of the present Office Action, it is the Examiner's position that *Weingardt* shows this element of the invention at col. 1, lines 31-40 and col. 5, lines 26-33. Applicants respectfully submit that none of the cited sections of *Weingardt*, or any other teaching, shows or suggests this element of the independent claims.

At col. 1, lines 31-40, *Weingardt* teaches the "conventional manner of play of bingo" in that a player must cover five spaces on the card and win in a row, column or diagonal. The identification of winning combinations is quite distinct from identifying the configuration of the card and the numbers, letters or colors to be placed within the matrix. The first shows a manner of winning, the second shows a manner of setting up the game.

At col. 5, lines 26-33, *Weingardt* states:

"the electronic controls that operate the electronic bingo board illuminate the selected "blue" numbers as the color "blue", the selected "green" numbers as the color "green" and the selected "red" numbers as the color "red". The remaining numbers are left as "yellow" which is the initial color of all the numbers on the electronic reader board. Each player can then see at the beginning of the game which of the bingo numbers have the various distinctive markings." (emphasis added)

Here, *Weingardt* is teaching that various numbers can be designated with a color. This teaching of *Weingardt* is completely devoid of the word “column.” Applicants firmly dispute the proposition that *Weingardt* can be teaching or rendering obvious the present invention, and specifically the element “*associating at least one of the first set of colors to at least one column without regard to the associated subset of potential numbers for the at least one column,*” when *Weingardt* fails to use the word “color” in the same sentence as the word “column.” There is absolutely nothing in this teaching to suggest or that could be gleaned by one of ordinary skill in the art, that would lead one of ordinary skill in the art at the time of the invention to render this the present invention obvious in view of the prior art. Consequently, Applicants respectfully submit that *Horan* in view of *Weingardt* cannot show or suggest, or render obvious the present invention because there is absolutely no teaching or suggestion of such an element.

In the present Office Action on page 10, the Examiner responds to Applicant’s argument above by stating that it would have been obvious to one of ordinary skill in the art to create a particular game “to provide a conventional random number generator programmed to select a random set of bingo numbers designated and associated with the first set of colors at column without regard to associated subset of potential numbers for the column.” As evidence for the Examiner’s prima facie case of obviousness, the Examiner cites *Weingardt* at col. 3, lines 10-20 and col. 7, lines 15-28, and further *Horan* at col. 3, lines 23-40 and 36-35. Applicants would respectfully point out that not one of these cited lines contains the word “column.” Applicants respectfully submit that there fails to be any teaching or suggestion, or even any motivation suggested, within the prior art to create a method of playing a bingo game comprising:

(h) prior to performing step (c), associating at least one of the first set of colors to at least one column without regard to the associated subset of potential numbers for the at least one column;

Further, independent claims 27 and 55 now further recite that step (h) is performed before the step of “associating each of the plurality of subsets with at least one bingo card column.” While a coincidental circumstance may result in a single column within the bingo card being a single color, there is nothing predetermined about identifying that column with a particular color prior to identifying the number. The only association shown or suggested by *Weingardt* is an association between a number and a color simultaneously or after the subset of numbers have been associated with a bingo column. Applicants are claiming the identification of a particular

column with a designated color irrespective of any numbers contained in those columns in order to facilitate the win-enhanced enhancement value payout of the application of the present invention. There is nothing within *Horan* or *Weingardt* to show, suggest or render obvious performing a method including performing the step of “*associating at least one of the first set of colors to at least one column without regard to the associated subset of potential numbers for the at least one column*” prior to performing the step of “*associating each of the plurality of subsets with at least one bingo card column.*”

In summary, nowhere does *Horan* or *Weingardt* show or suggest “*associating at least one of the first set of colors to at least one column without regard to the associated subset of potential numbers for the at least one column;*” as is recited in independent claims 27 and 55 of the present application. For these reasons, Applicants respectfully submit that *Horan* nor *Weingardt* nor any combination thereof shows or suggests the present invention as claimed in independent claims 27 and 55. Moreover, for the reasons given above, Applicants similarly submit that the claims dependent upon the independent claims are similarly not shown or suggested by *Horan Weingardt*, or any combination thereof, and that therefore the rejection of those claims under § 102 and §103 should also be withdrawn. Having now responded to each rejection set forth in the present Office Action, Applicants believe all pending claims are now in condition for allowance and respectfully request such allowance.

Having now responded to each rejection set forth in the present Office Action, Applicants believe all pending claims are now in condition for allowance and respectfully request such allowance. Applicants invite the Examiner to contact the undersigned at the below listed telephone number if a telephone conference would expedite prosecution of this application.

Respectfully submitted,



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